IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.1179 OF 2004
IN
CRIMINAL APPEAL NO.340 OF 2004

The State of Maharashtra. ....Applicant.

Vs.

Bhagwat Upanand Das and ors. ....Respondents.

Mrs. V.R. Bhosale, APP for the applicant.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 12TH JANUARY, 2005

P.C.:

. The appeal is barred by 179 days. By this application the State seeks that delay in filing the appeal be condoned. In the petition, it is stated that the application for certified copy of the Judgment which was pronounced on 1st April, 2003 was made on 9th April,2003. Certified copy was ready on 19th June,2003 and was delivered on 3rd July,2003. The concerned Public prosecutor forwarded the papers to the Law and Judiciary Department on 5th July,2003. He opined that the matter was fit for filing appeal against the order of inadequate

sentence. It is stated that the proposal of the Public prosecutor was scrutinized by Law and Judiciary Department and by Government Resolution dated 24th July, 2003 the Public Prosecutor was directed to prefer appeal. The Public Prosecutor received the said Government Resolution from the Law and Judiciary Department on 31st July,2003. However, the appeal came to be filed on 6th March,2004. There is no specific explanation for gross delay for the period from 31st July,2003 to 6th March,2004 in the office of the Public Prosecutor. A very vague and general statement has been made that delay occurred due to heavy work load, pressure of work and non availability of Stenographers. Such general explanation cannot be accepted to be sufficient cause. Having considered the matter, We are of the view that the delay of 179 days is not sufficiently explained, particularly there is no specific explanation for the delay from 31st July, 2003 to 6th March,2004.

2. The delay in filing the appeal does not deserve to be condoned. Criminal application is accordingly rejected.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)